

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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RowVaughn Wells, Individually and as  
Administratrix Ad Litem of the Estate of  
Tyre Deandre Nichols, deceased.

Case No. 2:23-CV-02224

Plaintiff,

vs.

**PLAINTIFF’S UNOPPOSED  
MOTION FOR LEAVE TO FILE  
A JOINT RESPONSE TO  
DEFENDANTS’ MOTIONS TO  
DISMISS AND STRIKE**

The City of Memphis, a municipality;  
Chief Cerelyn Davis, in her official capacity;  
Emmitt Martin III, in his individual capacity;  
Demetrius Haley, in his individual capacity;  
Justin Smith, in his individual capacity;  
Desmond Mills, Jr., in his individual capacity;  
Tadarrius Bean, in his individual capacity;  
Preston Hemphill, in his individual capacity;  
Robert Long, in his individual capacity;  
JaMichael Sandridge, in his individual capacity;  
Michelle Whitaker, in her individual capacity;  
DeWayne Smith, in his individual capacity and  
as an agent of the City of Memphis.

Defendants.

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**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE  
TO FILE A JOINT RESPONSE TO DEFENDANTS’ MOTION TO DISMISS  
PLAINTIFF’S COMPLAINT [ECF Dkt. 81] and MOTION TO STRIKE ALLEGATIONS  
FROM PLAINTIFF’S COMPLAINT [ECF Dkt. 82]**

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Plaintiff, by and through her attorneys, hereby files this Unopposed Motion for Leave to File a Joint Response to Defendants’ Motion to Dismiss Plaintiff’s Complaint [ECF Dkt. 81] and Motion to Strike Plaintiff’s Complaint [ECF Dkt. 82]. In support thereof, Plaintiff states as follows:

1. Plaintiff’s Complaint against Defendant City of Memphis, Defendant Chief Cerelyn Davis, and other Defendants was filed on April 19, 2023. ECF Dkt. 1.

2. Defendant The City of Memphis and Defendant Chief Cerelyn Davis filed a Motion to Dismiss on July 7, 2023. ECF Dkt. 81.

3. Defendant City of Memphis and Defendant Chief Cerelyn Davis filed a Motion to Strike Allegations from Plaintiff's Complaint on July 7, 2023. ECF Dkt. 82.

4. Pursuant to Western District of Tennessee Local Rules 7.2(e) and 12.1(b), both responses are permitted a maximum of 20-pages, individually.

5. There is significant overlap in the supporting factual allegations and legal arguments between the two motions such that a combined response is in the interests of efficiency and judicial economy.

6. Plaintiff's Counsel seeks leave to file a single Response to both of Defendants' motions in the form of a Joint Response with a limit of 40 pages, which does not exceed the amount of pages both Motions would be afforded individually.

7. Plaintiff's Counsel met and conferred with Counsel for Defendants' City of Memphis and Chief Cerelyn Davis and there is no objection from either Defendant. *See* Certification of Consultation *infra*.

8. This Motion is made in good faith and in the interest of judicial efficiency.

WHEREFORE, Plaintiff respectfully requests that this Court grant this Motion for Leave to File a Joint Response to Defendants' Motion to Dismiss Plaintiff's Complaint and Motion to Strike Allegations from Plaintiff's Complaint.

Dated: August 3, 2023

Respectfully Submitted,

/s/ Bryce T. Hensley

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**CERTIFICATE OF CONSULTATION**

I, Bryce T. Hensley, hereby certify that my office contacted counsel for Defendant City of Memphis and Defendant Chief Cerelyn Davis via email on July 31, 2023, regarding this Motion. On August 1, 2023, counsel for both Defendants, Jennie Vee Silk, responded that the Defendants do not have any objection this Motion.

s/ Bryce T. Hensley  
Bryce T. Hensley

**CERTIFICATE OF SERVICE**

I, Bryce Thomas Hensley, hereby certify that on August 3, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bryce T. Hensley  
Bryce T. Hensley